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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

In its resolution 72/185, the General Assembly requested the Secretary-General to seek the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-third session a substantive report on the impact of globalization on the full enjoyment of all human rights on the basis of those views, including recommendations on ways to address the subject. The responses received from the Governments of Argentina, Honduras, Portugal, Qatar, the Russian Federation, Spain and Togo are summarized in section II of the present report. Common concerns and topics of interest are set out in section III in the form of conclusions and recommendations on how to address the impact of globalization on the full enjoyment of all human rights.

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I. Introduction

1. In its resolution 72/185, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/72/132) and requested him to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-third session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that resolution, the Office of the United Nations High Commissioner for Human Rights sent a request on 13 April 2018 to Member States and relevant agencies of the United Nations system inviting them to share their views on the issue. As at 14 June 2018, the Office had received responses from the Governments of Argentina, Honduras, Portugal, Qatar, the Russian Federation, Spain and Togo. No responses had been received from agencies of the United Nations system.

II. Summary of replies

A. Argentina

3. Argentina considered that globalization presented opportunities for, and obstacles to, the realization of human rights, including the right to development as defined in the Declaration on the Right to Development. To realize the individual and collective human right to development, it was necessary to make a concerted effort to diversify economies towards higher productivity and knowledge-based, high value-added and more inclusive labour sectors.

4. Argentina welcomed the mandate of the Special Rapporteur on the right to development as a means to address human rights issues relating to globalization, in particular to provide guidance on the implementation of the 2030 Agenda for Sustainable Development, disaster risk reduction, finance for development and climate change.

5. Argentina emphasized that social conflicts relating to businesses and their operations posed a great challenge for the protection of human rights. The economic, social, environmental and cultural impacts of those operations affected in particular groups in situations of vulnerability. To promote a model of development focused on human rights, it was necessary to create an enabling environment for investment that included safeguards to protect and respect the human rights of all people.

6. According to Argentina, the Guiding Principles on Business and Human Rights were an important instrument to reduce social conflicts relating to business and promote the coordination with, and the participation of, stakeholders in the creation of human rights policies in relation to businesses. The country's Human Rights and Cultural Pluralism secretariat identified elements for planning business- and human rights-related policies: the development of baseline studies on the level of respect for human rights on the part of public and private businesses and the elaboration of a participative national action plan on business and human rights. It also called for a national dialogue aimed at implementing the Sustainable Development Goals relating to gender equality (Goal 5), reducing inequality (Goal 10), decent work and economic growth (Goal 8), peace, justice and strong institutions (Goal 16) and partnerships relating to the Goals (Goal 17). The baseline studies, action plan and dialogue for sustainable development were opportunities to take a human rights-based approach to areas of government that often overlooked human rights issues. Lastly, Argentina

called for guidelines and tools to structure the implementation of the Guiding Principles on the basis of the best practices of various stakeholders.

B. Honduras

7. The response of Honduras included issues relating to efforts to combat poverty and the right to food. The Ministry of Social Development and Inclusion was responsible for policies relating to overall social protection, food security, the rights of women and the rights of the child. Those policies included projects aimed at combating poverty, including through conditional cash transfers and non-monetary transfers; training for small producers; construction and the improvement of housing; the right to health; and specialized support centres for vulnerable groups. In addition, Honduras had adopted a public policy on human rights and a national action plan on human rights covering the period 2013–2022. An impact assessment conducted with the help of the Inter-American Development Bank had shown encouraging results for policies aimed at reducing poverty and malnourishment.

8. The response of Honduras also addressed economic growth and public debt. In recent years, the country had managed to maintain constant economic growth and foster a climate of macroeconomic stability, contributing to greater legal security and increasing the potential for national and foreign investment. Reduced remittances from Hondurans in the United States of America and a decline in exports were among the main reasons for the adverse impacts of the 2008 financial crisis on the national economy. To mitigate the effects of the crisis, Honduras had adopted a reduction in the monetary policy rate, implemented a differentiated reserve for the collection of resources in national and foreign currency and adopted a fiscal responsibility law that required control over public spending.

9. The main effects of climate change that Honduras faced included floods, droughts, the proliferation of pests in crops and ecosystems, damage to health, coastal land loss and the intensification of climatic events. Honduras had adopted a national agenda on climate change, which addressed the country's international commitments and encompassed national needs, placing the human being at the centre of mitigation and adaptation measures. In that regard, Honduras had adopted a national mitigation plan and a national adaptation plan, the latter as part of a framework on governance and human rights. Other measures included the adoption of strategies, laws and policies on climate change and the environment, the implementation of a programme aimed at reducing the climate change-related risks of small producers and the creation of the Presidential Office on Climate Change.

10. Honduras was part of a pilot experiment, through the Office of the United Nations High Commissioner for Refugees, of the comprehensive refugee response framework, making it the pioneering country of origin in the process of adoption of the global compact on refugees. It reported international, regional and bilateral cooperation on migrants' rights with numerous stakeholders.

C. Portugal

11. Portugal recalled that no individual should be rendered stateless, as the right to a nationality was recognized in the Universal Declaration of Human Rights. In that regard, Portugal planned to conclude international agreements that extended the range of citizenship rights mutually recognized within the Community of Portuguese-speaking Countries. Portugal highlighted the importance of respecting religious freedom in a globalized world. For that reason, it promoted an interreligious and inclusive dialogue by increasing the scope of the Committee for Religious Freedom

and reinforcing pluralism in it, and created a national initiative for coexistence and interreligious dialogue.

12. Portugal defended democratic values and human rights in its foreign policy. It considered that active and qualified participation in the major organs, specialized agencies, funds and programmes of the United Nations system was an essential element in efforts to combat threats to collective security and common welfare, in particular terrorism and the phenomena of violent religious extremism, cybercrime and trafficking in persons. In that context, Portugal intended to promote environmentally and socially sustainable development models and combat global trends that were based on social erosion.

13. Portugal provided legal protection, including legal aid and legal advice, so that no one would experience difficulty or be prevented, owing to social or cultural status or lack of financial means, from being informed of, exercising or defending her or his rights. That included the legal protection of Portuguese or European citizens unable to cover related costs, stateless persons and foreigners residing in Portugal or in other countries that provided similar protections to Portuguese nationals.

14. Portugal underlined the direct relationship between globalization and the increasing flow of citizens between States and regions. It concluded by affirming the importance of: (a) promoting and ensuring the right to decent work; (b) promoting national and international laws that guaranteed migrant workers and their families the right to work and to social protection; (c) enforcing and enhancing existing international standards that guaranteed the equivalent rights of migrant workers and their families; (d) developing and improving public administration services that are culturally sensitive to increasingly multicultural societies (e.g., providing regular training to those who interact closely with people from different backgrounds); and (e) strengthening international agreements on the free movement of citizens and the guaranty of social protection and labour rights.

D. Qatar

15. Qatar highlighted the importance of integrating international human rights law into international trade law, in particular in relation to the work of the World Trade Organization, the International Monetary Fund and the World Bank. Such integration should take into account the challenge of fostering economic development and respecting human rights at the same time. Qatar drew attention to the challenge of creating an environment conducive to realizing the right to development, bridging the gap between the rich and the poor, boosting the economy and eliminating poverty. Such an environment should also support good governance, transparency and a multilateral trade and finance system that was open, rules-based, predictable and non-discriminatory.

16. Qatar considered that globalization could have positive and negative impacts on human rights. The development of information and communications technology increased the capacity of States to fulfil human rights. On the other hand, globalization also caused widespread financial crises, insecurity, poverty, exclusion and inequality within and among societies. Furthermore, the benefits of globalization were often unevenly shared. Globalization also affected social cohesion and led to increased drug use.

17. Qatar gave examples of several legislative and policy-related best practices that it had adopted. They included the ratification of core international human rights treaties; the establishment of the National Human Rights Committee and the Human Rights Department of the Ministry of Foreign Affairs; the adoption of development policies in line with human rights, including the right to development (e.g., Qatar

National Vision 2030); preventive and protective measures relating to labour rights, including capacity-building and monitoring mechanisms, some of which were dedicated to migrant workers; measures for combating poverty, protecting social rights and cultural identity and promoting good governance and transparency; and the prevention of violence and crime. Qatar also referred to the adverse impacts on human rights of the "embargo" of certain countries against it.

18. Qatar made several recommendations with a view to preventing the adverse impacts of globalization on the full enjoyment of all human rights, promoting positive trends and avoiding double standards and selectivity in addressing human rights. The recommendations, which included those relating to the international trading system, sustainable development policies, the activities of businesses and accountability for violations, are reflected in the conclusions and recommendations of the present report.

E. Russian Federation

19. The Russian Federation underlined the great importance of the goals and objectives of the 2030 Agenda for Sustainable Development and referred to Human Rights Council resolution 35/21, in which the contribution of sustainable development to the enjoyment of human rights was recognized. The Russian Federation noted that progressive economic development ensured a better realization of fundamental human rights, such as the right to education, to the highest attainable standard of physical and mental health and to adequate housing, food, access to drinking water and sanitation and social security, and contributed to the realization of civil and political rights. The Russian Federation highlighted that lifting people out of extreme poverty was an integral element of development.

20. Globalization could become inclusive and equitable only by assisting developing countries in strengthening their national economies and by creating an enabling environment for the preservation of cultural and traditional diversity at the international level. Development assistance was primarily an investment in global stability, an effective mechanism for strengthening international relations and an important factor in building a crisis-resistant international system. Such assistance allowed all States to participate equally and effectively in economic governance and to better enjoy the benefits of development. The elimination of poverty was the priority of the international development assistance policy of the Russian Federation.

21. The Russian Federation reported its active cooperation with the United Nations Development Programme through a partnership framework agreement and a trust fund for development, established to finance joint projects in support of vulnerable categories of developing countries. As the fifth-largest contributor to the industrial development fund of the United Nations Industrial Development Organization, the Russian Federation had already sponsored the implementation of 11 technical assistance projects of the industrial development fund, most of them in the States members of the Commonwealth of Independent States.

22. The Russian Federation had made a significant contribution to strengthening the capacity of the World Health Organization with regard to emergency preparedness and response to non-communicable diseases, as well as to the implementation of the International Health Regulations in the States of Central Asia and the Middle East. The Russian Federation had also contributed substantially to the Technical Assistance Programme for Countries of Eastern Europe and Central Asia in Combating Infectious Diseases, which was being implemented by the Joint United Nations Programme on HIV/AIDS, in the fields of prevention, control and surveillance of HIV/AIDS and other infectious diseases. Furthermore, the Russian Federation had assisted African

countries by cancelling more than $20 billion of their principal debt under the Heavily Indebted Poor Countries Initiative.

F. Spain

23. For Spain, the international economic crisis had caused an increase in social inequality and exclusion, changing the demographics of affected populations and increasing levels of unemployment. Nevertheless, in the past few years, there had been a trend towards an improvement in indicators associated with poverty and exclusion. In particular, Spain had made substantive improvements in reducing the level of child poverty, although it had not yet reached pre-crisis levels, which would require further efforts on the part of various stakeholders.

24. Spain described as a best practice its social welfare policies, which guaranteed free education and health care to all citizens, support to people who used drugs and benefits that included pensions, social security and social assistance. Those policies had ensured the amelioration of the situations of persons affected negatively by the economic crisis.

25. Spain considered that labour policies were crucial to combating poverty and social exclusion. It also referred to strategic plans adopted, such as a national strategy against poverty and social exclusion covering the period 2017–2020, and other policies targeting specific groups, such as children, families, homeless people and Roma.

26. Spain cited the collaboration between various levels of government, including subnational governments, through a social inclusion network, as a good practice. Promoted through the European Social Fund, the network was a space for dialogue and exchange aimed at improving policies and actions relating to social inclusion. The policies and actions included active inclusion in the labour market and the integration of labour policies into social policies through the establishment of memorandums of understanding, the exchange of know-how, the training of staff and the collection of data for policy analysis.

G. Togo

27. According to Togo, globalization had myriad impacts on the promotion and protection of human rights. For that reason, it was important to review the policies and instruments used in the fields of international trade, international investment and international finance in order to mitigate the effects on the full enjoyment of human rights.

28. Togo emphasized that human rights must be taken into account in the formulation and implementation of all programmes and policies at the international, regional and national levels. Togo stated that the human rights-based approach, as a conceptual framework for the human development process that was oriented towards the promotion and protection of human rights, should help in the realization of the rights included in the Universal Declaration of Human Rights and other human rights instruments.

29. According to Togo, principles such as non-discrimination, equality, participation and inclusion, the obligation of accountability and the rule of law must be taken into account. Those principles should also be the subject of discussions and practical considerations on the part of policymakers in order to develop the exchange of good practices.

30. Togo stated that, in order to mitigate the effects of globalization on the full enjoyment of human rights, particular emphasis should be placed on the effective realization of sustainable development. Togo also noted that the measures aimed at combating poverty must be considered from a human rights perspective.

III. Conclusions and recommendations

31. The information set out below is based on the responses received.

A. Conclusions

32. **Common concerns and topics of interest raised by respondents in relation to human rights in the context of globalization included the creation of an enabling environment for sustainable development, social welfare and labour policies, the regulation of transnational corporations and global governance.**[1]

33. **Progressive economic development can contribute to better realization of human rights, such as those to education, the highest attainable standard of physical and mental health, adequate housing, food, access to drinking water and sanitation and social security, as well as to the realization of civil and political rights. An economy dependent on a few sectors, as well as income inequality and widespread poverty, can render countries more vulnerable to negative impacts of globalization and hinder the creation of an enabling environment for sustainable development (see A/HRC/37/54, para. 76). At the international level, a transparent, rules-based trading and investment system that protects policy space for social and cultural policies and that prevents the creation of an inequitable trade environment, which leads to the erosion of social policies, is important to building an enabling environment for sustainable development. Resources accruing from the remittances of nationals working abroad and from finance for development initiatives can contribute to creating an enabling environment for sustainable development and human rights.**

34. **Social policies in general, including reducing poverty and providing health care, education and legal protection, play an important role in mitigating the adverse impacts on human rights of processes relating to globalization. Cooperation and the exchange of best practices on the design, implementation and monitoring of social policies at all levels can help States to better respond to challenges posed by globalization, especially if they take into account the active and meaningful participation of affected populations and people in vulnerable situations, including women, young people and children, older persons, the poor, persons with disabilities, indigenous peoples, minorities, migrants and refugees.**

35. **Labour policies play a special role in promoting capacity-building and the adaptation of workers to a changing labour landscape brought about by globalization. It is important to protect labour rights by enacting legislation, acceding to international treaties and observing international standards and monitoring and identifying possible violations (see A/HRC/34/57). In particular, it is important to recognize and protect the rights of migrant workers.**

36. **The practices of some transnational corporations are a driving force of globalization. These practices can aggravate social conflicts and violate human rights. Regular monitoring of the practices in relation to existing international**

[1] To some extent, the topics overlapped with issues raised by special procedures mandate holders of the Human Rights Council. See, for example, A/HRC/36/49, para. 30 (c).

standards can help to mitigate human rights risks and ensure the positive impact that businesses can bring, including the advancement of some human rights.

37. Cooperation with international organizations and among States has the potential to mitigate the negative impacts of globalization and to make better use of opportunities accruing from globalization for advancing the protection and promotion of human rights and sustainable development. These opportunities involve promoting friendly relations among States, technical cooperation, finance for development and foreign debt relief (see Human Rights Council resolution 20/10, para. 15). They also include the recognition of the rights of migrants and stateless persons. Global governance should be based on clearer and more transparent rules and on norms that are aligned with the provisions of human rights instruments (see also A/HRC/38/33, which is focused on the International Monetary Fund and its impact on social protection).

B. Recommendations

38. The recommendations for building an enabling environment for sustainable development are as follows:

(a) Member States should fulfil their commitments adopted in the 2030 Agenda for Sustainable Development and with regard to the Sustainable Development Goals, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement, which are underpinned by human rights and in line with the Declaration on the Right to Development, with due regard to gender equality and empowerment, vulnerable and marginalized individuals and groups, the needs of present and future generations of humanity and equality of opportunity for all nations and peoples;

(b) Member States and all other relevant stakeholders must ensure that their activities relating to sustainable development, trade, finance and investment are at all times consistent with their human rights obligations and their obligations under environmental law;

(c) Member States should adopt policies leading to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system that puts human well-being and social welfare at its centre and respects the policy space of all countries to deliver on their human rights commitments. To inform such policies, Member States and international organizations should increase training activities provided to various stakeholders on human rights-based indicators.

39. Recommendations for enhancing resilience through social welfare policies include the following:

(a) Member States should invest in social welfare programmes that provide and improve the access of vulnerable groups to education, training, health care, pensions, social security, legal protection and basic necessities in order to protect their citizens from the potential negative impacts of globalization, adopting an integrated agenda as espoused in the 2030 Agenda, in particular in Goal 17 ("Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development");

(b) Member States and all other relevant stakeholders should consider policies, programmes and projects for the elimination of poverty, in particular extreme poverty, and for bridging the gap between rich and poor, in accordance with Goal 10 ("Reduce inequality within and among countries");

(c) **Member States should consider adopting policies and international agreements that facilitate the acquisition of citizenship and ensure everyone's right to a nationality, pursuant to article 15 of the Universal Declaration of Human Rights;**

(d) **Member States should exchange best practices on the effective implementation of social welfare policies and the maintenance of social inclusion and cultural diversity and should engage affected populations through meaningful participation in the design of these policies.**

40. **Recommendations for promoting and protecting the right to work include the following:**

(a) **Member States should adopt national policies and promote international treaties and standards that guarantee equal rights and social protection to migrant workers and their families, ensure the preservation of their skills and secure their freedom from discrimination, stigmatization, exclusion and harmful stereotyping. These include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the fundamental conventions of the International Labour Organization;**[2]

(b) **Where migrant workers are vulnerable to poor work conditions, special monitoring policies and programmes should be considered;**

(c) **Member States should diversify economies towards more inclusive labour sectors and adopt preventive and protective labour policies that assist workers in the sectors most affected by globalization and provide mechanisms for capacity-building and monitoring.**

41. **Recommendations for regulating transnational corporations and other business enterprises include the following:**

(a) **Member States should strengthen common standards to address accountability for the activities of transnational corporations and other business enterprises that adversely affect the full enjoyment of all human rights — civil and political, economic, social and cultural and the right to development — and consider developing indicators associated with corporate responsibility for sustainable development;**

(b) **Member States should encourage businesses to enhance the protection, promotion, respect and fulfilment of human rights, in particular those of consumers, workers and local communities.**

42. **Recommendations for strengthening international cooperation, global governance and global partnership include the following:**

(a) **Member States should act towards one another in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and should refrain from adopting unilateral coercive measures against other States: they must act together for collective security and world peace;**

(b) **Member States, international and regional organizations and all other relevant stakeholders should strengthen cooperation and partnership at the**

[2] Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

regional and international levels in order to promote fair, equitable, inclusive and sustainable globalization, including through coordination among public and private stakeholders, cooperation with agencies, funds and programmes of the United Nations system and the provision of assistance to developing countries;

(c) Member States, international and regional organizations and all other relevant stakeholders should cooperate to reduce international inequalities, in accordance with Sustainable Development Goal 10, including through their commitments to finance for development, technical cooperation and technology transfer and by relieving the external debt burden of developing countries, in accordance with Goal 17;

(d) Member States should implement, in decision-making processes at the level of global governance, the human rights principles of transparency, accountability, equality, non-discrimination and meaningful participation, and also respect democratic values, multilateralism and the policy space for sustainable development and the preservation of cultural diversity.

43. **Member States are encouraged to use the tools and data available through the implementation of the 2030 Agenda that help to assess and address the negative and positive effects of globalization. In Goal 17 in particular, a whole-of-government approach is advocated, to enable interlinkages between the Goals to be assessed, policies to be developed, programmes to be funded and results to be monitored, all with a view to reducing international inequalities. The voluntary national reviews and the high-level political forum on sustainable development are also useful for the sharing of good practices among Member States, and the Economic and Social Council forum on financing for development follow-up, established under the Addis Ababa Action Agenda, provides an important analysis of the impacts of globalization on the realization of the 2030 Agenda and the extent to which international systems are capable of fostering globalization that is fair and sustainable.**